

ALAMEDA COUNTY SUPERIOR COURT
APPLICATION FOR APPOINTMENT TO ADR PANELS
including Judicial Arbitration, Mediation, Neutral Evaluation, and Private Arbitration

1. APPLICANT:

Applicant's Name: MARC PATRICK BOURET
 Firm Name: The Bouret Law & Mediation Offices
 Address: 1676 N. California Blvd., Suite 450
Growers Square
 City/State/Zip: Walnut Creek, CA 94596-4185
 Telephone: (925) 210-0400 Fax: (925) 210-0401
 Email: mpb500@AOL.COM

2. PANEL REQUEST: (All applicants are requested to serve as Judicial Arbitrators)

Check each panel for which you are applying:

XX Judicial Arbitration XX Mediation XX Neutral Evaluation XX Private Arbitration

3. EDUCATION:

Dates (from-to)	College/University/Law School	Degree Obtained
1973 - 1975	UNIVERSITY OF THE PACIFIC	B.A. (cum laude)
1975 - 1978	CALIFORNIA WESTERN SCHOOL OF LAW	Juris Doctorate
1979 - 1980	ST. MARY'S COLLEGE	M.B.A.
1971 - 1973	DIABLO VALLEY COLLEGE	A.A. (honors)

4. LEGAL EXPERIENCE: State Bar No. 083317 Date Admitted: 11/29/1978

A. Are you a member in good standing of the State Bar of California? X Yes No

B. Are you a retired judicial officer? Yes X No (Pro Tem, yes)

Please describe when/where you last served as a judicial officer: June, 2002, Alameda Superior Court, Pleasanton Branch

C. Are you actively engaged in the practice of law at this time? X Yes No

If not, are you retired from practice? Date retired:

If your license is presently inactive, please explain:

D. Are you currently active in litigation practice? X Yes No

Approximately what percentage of your practice involves litigation? 50 %

E. If your practice includes personal injury litigation, approximately what percentage of your practice involves the representation of: plaintiffs 50 %; of defendants 50 %?

F. How many of the following have you personally handled as attorney of record in the past five years? Jury Trials 1; Court Trials 1; Mediations 360; Arbitrations 100;

G. Describe any legal publications or teaching you have done: I have published seven

(7) Lead Law Review ARTICLES since 1979. The most recent article was published in 2001 by the NCADC in California.

5. ADR TRAINING and EXPERIENCE 1/

Course Title	Sponsoring Organization	Hours of Credit	Dates
Negotiations Strategies in Mediation(I)	Cal. State Bar	2.0	10/12/02
Negotiation Strategies in Mediation (II)	Cal. State Bar	2.0	10/12/02
Mediating Court Connected Cases	Cal. State Bar	2.0	10/11/02

1. I have completed over 100+ hours of ADR Training. List available.
- A. Number of years experience as: mediator 20 ; arbitrator 20 ; neutral evaluator 20 ;
- B. List all other court-connected ADR panels of which you are a member, specifying the processes for which you have qualified: NYSE;NASD; KAISER HOSP., Neutral; Arbitration Works, Inc., Resolute Systems, Inc., Contra Costa Sup. Ct., EASE, SMARTER,Arbs.
- C. State the name(s) of any organization(s) through which you have provided ADR services during the past five years, giving the dates and the services you provided: See above. Also, Alam. Cty. Bar Assn ADR Services (1995 -); Alameda & Contra Costa Cty (1983 - Present; Kaiser Hospital Neutral (1997 - Present.
- D. Describe the subject matter of five disputes in which you served as the ADR provider in the past 5 years, including the dates of service, the process and if you were sole or co-provider.
1. FIRE/COMPLEX PROPERTY LOSSES Binding Arbitrator, UMPIRE (2/7/01-4/24/02) ;
2. BREACH OF CONTRACT/FRAUD MEDIATION, SOLE PROVIDER 2/4/03 ;
3. PREMISES LIABILITY MEDIATION, Sole Provider 6/18/02 ;
4. Automobile personal injuries Mediation, sole provider 3/12/03 ;
5. BREACH OF CONTRACT: BUSINESS CLAIMS MEDIATION, SOLE PROVIDER 12/16/02 ;
- E. Is your ADR style best described as 60% facilitative or 40% evaluative/directive?
- F. Describe any ADR related publications or training you have done: See my website at www.adr-resolve.com. I have researched and published this site with hundreds of legal links regarding ADR; Over 4,400 people have used this site.
- G. Set forth your hourly fee or fee schedule, including any sliding scale or pro bono provisions. Attach a copy of your fee agreement. *(Please note: Judicial arbitrators waive compensation for the first three (3) hours of hearing time in Alameda County and all ADR panelists are requested to accept at least three (3) Judicial arbitration cases per year).*
- \$300 per hour, two parties; \$325/hr multi-party; Split between the parties.

6. AVAILABILITY/SPECIAL REQUIREMENTS

- A. List any languages, other than English, in which you are able to conduct ADR proceedings: N/A
- B. Please state any special bi-cultural/multi-cultural capabilities or familiarity you possess: I have special skills involving sensitive cases, minors, elderly, ethnic issues
- C. You are available to conduct ADR conferences: x in your office; x at counsel's office; x other (please describe: Anywhere in State, Travel reimbursed per agmt)
- D. You are available to conduct ADR proceedings: x during regular office hours; x evenings by appointment; x weekends by prior arrangement;
- E. Please describe any requirements you have for ADR participants such as submission of copies of pleadings, briefs, declarations in lieu of testimony, etc.: I request briefs be submitted 5 calendar days in advance with whatever exhibits that might assist me in preparation (e.g., pleadings, reports, bills, documents, discovery, films, photographs, diagrams, blueprints, contracts, agreements, deeds, etc)

7. SUBJECT MATTER DESIGNATION

Please check each area below in which you are qualified by training/experience to provide ADR services, indicating the percentage it represents of your law practice, if any, and the ADR process(es) which you are prepared to offer in that area:

Case Type Accepted	% of Practice	Judicial Arb.	Mediation	Neutral Eval.	Private Arb.
Bankruptcy	0				
Business/Corp.	5%	X	X	X	X
Civil Rights	2%	X	X	X	X
Collections	5%	X	X	X	X
Construction	5%	X	X	X	X
Contracts	5%	X	X	X	X
Elder law/abuse	2%	X	X	X	X
Employment:					
- Discrimination	2%	X	X	X	X
- Harassment	2%	X	X	X	X
- Termination	2%	X	X	X	X
Environmental	0	X	X	X	X
Fraud	5%	X	X	X	X
False Imprison.	0	X	X	X	X
Family Law	0	X	X	X	X
HO Ass'n	5%	X	X	X	X
Insurance Cov.	10%	X	X	X	X
Intellect. Property	0	X	X	X	X
Landlord-Tenant	2%	X	X	X	X
Legal Malpractice	0	X	X	X	X
Maritime	0				
Med Malpractice	0	X	X	X	X
Partnership	0	X	X	X	X
P.I. – Auto	10%	X	X	X	X
P.I. – Other	10%	X	X	X	X
Premises Liability	10%	X	X	X	X
Probate/Trust	5%	X	X	X	X
Product Liab.	0	X	X	X	X
Real Property	5%	X	X	X	X
Securities	0				
Tax	0				
Toxic Torts	0	X	X	X	X
Wrongful Death	10%	X	X	X	X
Other:					

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ALTERNATIVE DISPUTE RESOLUTION FEE AGREEMENT

Mediation is an informal dispute resolution process that seeks to facilitate settlements of disputed matters through negotiation. Disputes referred to Marc Bouret for Private Mediation and/or Arbitration Hearings are scheduled for the soonest mutually agreeable date(s) and usually start at 10:00 a.m. at the above offices, unless a remote location is agreed to alternatively. Mediation does not occur unless both parties agree to mediate. After requests for mediation are received, Marc Bouret schedules the date, the time, and the location of the mediation session. The mediator is a licensed attorney at law in California and possesses the appropriate training and experience to serve effectively in a facilitative role.

Often disputes arise out of a misunderstanding concerning the expectations and responsibilities of the parties. These disputes may often be settled once a dialogue is established. As a Mediator, I strive for open communication, with the understanding that the mediator is not acting as a lawyer or fact finder, but as a neutral individual whose purpose is to facilitate settlement between the parties.

By agreeing to participate in the ADR hearing with Marc Bouret the parties agree as follows:

- best efforts will be made to resolve the dispute
- communications with the mediator are generally confidential.
- the mediator will not be called as a witness in any other proceeding.

Mediations by Marc Bouret and/or private arbitrations are designed to be a quick and effective means of resolving disputes. There is a flat fee of \$300 per hour split between the parties. Mediation does not stop the running of the statute of limitations and the parties are reminded to take any action necessary to protect their legal rights. In cases where mediation results in only a partial settlement of the dispute, either party may seek additional relief through the courts.

Parties seeking mediation may obtain a Confidentiality Agreement from Marc Bouret at the start of the hearing and will be asked to sign it. Again, Marc Bouret or his office will schedule a mediation session at a mutually convenient place and time (usually within 30 to 60 days). The mediator will review the written submissions of the parties, if any, before the meeting.

At the mediation meeting, Marc P. Bouret listens to both sides of the dispute and attempts to identify the issues and interests of each party. He then facilitates a resolution of the dispute, using his years of developed skills to assist the parties in jointly solving the identified problems. If appropriate, and in most cases, I prefer to meet separately in confidential sessions with each party. If the parties reach a mutually acceptable resolution of the dispute, I then will assist in putting that agreement in writing so that it may be implemented. Such an agreement will be legally binding on the parties.
